



## **FREMONT PLANNING BOARD**

**March 3, 2010**

**Meeting Minutes**

**Approved March 17, 2010**

Present: Chairman Roger Barham, Co-Chair and CC Rep. John (Jack) Karcz, Members John (Jack) Downing and Derek Downing, RPC Circuit Rider Brian Groth, and Land Use AA/Recording Secretary Meredith Bolduc.

Mr. Barham opened the meeting at 7:05 pm.

### **MINUTES**

Mr. J. Downing made the motion to approve the minutes of the February 24, 2010 meeting as written. Motion seconded by Mr. Karcz with unanimous favorable vote.

### **CAPITAL IMPROVEMENTS PROGRAM (CIP)**

The Board has contracted with Rockingham Planning Commission, funded through the 2010 Targeted Block Grant (TBG), for assistance in defining an annual update process for the Capital Improvements Program (CIP). Mrs. Bolduc spoke with Mr. Groth last week about expediting the project relating that the TBG contract has a completion date of June 30, 2010. Mr. Groth said he will talk with Glen Greenwood about a timeline and who at Rockingham Planning Commission should meet with the Board to fulfill the CIP portion of the contract. He will report back to the Board with the answer.

In the early fall of 2009 the Planning Board sent each Board, Department, Commission (or any other local group that incurs capital improvement costs) a letter of request to participate in the CIP process by completing worksheets that were provided to aid in creating a comprehensive listing of capital purchases (for capital improvement projects) anticipated for the next six (6) years, including the upcoming budget year. The submittal date was the end of October. Follow-up letters of request, as well as additional worksheets, have been sent to all departments who have not responded.

The Board has received CIP worksheets from:

- Building Official
- Cemetery Trustees
- Conservation Commission
- Ellis School
- Health Officer
- Town of Fremont – Selectmen's Office

The Board agreed to continue moving forward with the CIP information and process.

TONAS, COSTAS & SHARON

Public Hearing

TONAS TRUSTEES

Site Plan Review

Map 6 Lot 019

117 Shirkin Road

Present: Owners Sharon & Costas Tonas; Travis Stickney.

At 7:30 pm Mr. Barham opened this Public Hearing for Costas & Sharon Tonas and stated that this is a continuation of the February 3, 2010 Public Hearing which was continued for a February 9, 2010 site visit of the subject property and back to the Fremont Town Hall at 7:30 pm on March 3, 2010.

Mr. Karcz reported that at 10:00 am on February 9, 2010 he and Board members J. Downing and D. Downing met at 117 Shirkin Road with owner Costas Tonas to view the commercial firewood operation. Keith Burleigh was also in attendance. The Site Visit checklist noted that the group viewed the pile of logs close to Brown Brook which Mr. Tonas agreed to move to a minimum of 150' from the brook and show it on his plan. The attending Members recommended that Mr. Tonas modify his plan to show the bend in the brook near his commercial operation and the log pile 150' from the brook.

Mr. Barham said that Mr. Tonas has submitted an amended drawn plan. The plan has been modified to show the contour of the Brown Brook and the location of the log piles 150' from the brook and associated wetland.

The Board reviewed the list of waivers requested.

After careful consideration by the Board, Mr. J. Downing made the motion to approve the following waivers to Site Plan Review Regulations:

Chapter 1

1.13: E-1, E-3, E-4, F, G, H, I, L, L-1, 2, 3, 4, 5, 6, M, N, N-1, O, O-1, P, Q, R, S-2, S- 7, S-8, S-11, S-13, S-14, S-16, S-17, T, T-1, 2, 3, 5, 6, 6A, 6B.

1.14: B, C, D, E, F, G, H, I, J, J-1, M, N

1.15: A, B, C, D, E, F, G, H, I, K, L, L-1, 2, 3, 4, M, M-1

1.16: A, B, C, D, E, F

1.17: A, B, C, D, E-1, E-2 (the property is not in the flood zone)

1.19:

1.20: A, B, C, D, E, F, G, H,

Chapter 2 –Village District in its entirety (the property is not in the Village District)

Motion seconded by Mr. D. Downing with unanimous favorable vote.

Mr. J. Downing made the motion to accept and take jurisdiction of the plan presented.

Motion seconded by Mr. D. Downing with unanimous favorable vote.

There was further review of the plan.

After careful consideration by the Board, Mr. J. Downing made the motion that the Planning Board issue a Conditional Use Permit and approve the Site Plan Review as requested by Costas & Sharon

Tonas, Tonas Trustees, pursuant to the information and site plan submitted and including all approved waivers, to allow the applicants continue to operate a firewood business at their residence located at 117 Shirkin Road, Map 6 Lot 019, Fremont, New Hampshire with the following condition.

1. The approval is for the current owner only and for the current business only and will not convey to a future party.

Motion seconded by Mr. Karcz with unanimous favorable vote.

The applicants agreed to submit the recording and administrative fees. The plan was signed by the Co-chairman and Secretary. The notice of decision will be recorded at the Rockingham Registry of Deeds at the applicant's expense.

Mr. J. Downing made the motion to close this Public Hearing at 8:15 pm

Motion seconded by Mr. D. Downing with unanimous favorable vote.

#### KATHLEEN MARTEL/STERLING HOMES

Map 3 Lot 54-1-23

At 8:15 Mrs. Martel met with the Planning Board to discuss the well radius on Map 3 Lot 54-1-23 on Spaulding Road in the Cooperage Forest subdivision. The Cooperage Forest subdivision was approved on May 4, 2005, and recorded on May 5, 2005 as D-32622. The lot is owned by Cooperage Forest, LLC.

Mrs. Martel apologized that her husband, Keith Martel of Sterling Homes, had a scheduling conflict and could not attend tonight's meeting as planned. Mrs. Martel asked if the 100' well radius on Map 3 Lot 54-1-23 could be reduced to the 75' that the State requires and she provided copies of the portion of the plan that shows lot 54-1-23, marked up to show the well relocated from the rear of the lot to the front of the lot and the radius reduced from 100' to 75'. The drawing was not to scale and it appeared to be somewhat less than 75'. The radius overlapped into the test pit and buildable area. Mrs. Martel did not know the proposed location of the septic system. Mr. Groth said that the Board would need to see where the septic is and the developer would need to show that the relocation of the well could work with the location of the septic.

It was noted and agreed that it appears the developer designed the lots in a manner which maximized the lot yield and that the proposed location of the well at the far rear of the lot was a direct consequence of this action. The developer chose to create the odd shape to the back of the lot specifically to accommodate the location of the well and its radius.

Mr. Barham said that he would not like the Planning Board to reduce the well radius as it would set a precedence for other property owners. Other Members agreed. Mr. Barham suggested that the lots could be merged to afford the required radius.

There was a discussion relative to whether the Board would consider the proposed relocation of the well and well radius a substantial enough modification to the approved subdivision plan as to require an amendment to that plan.

Mrs. Martel thanked the Board for their time and left the meeting at 8:35 pm.

### OPEN SPACE PLAN

Mr. Barham reported that the Board is still waiting for Ms. LaBranche to send the final draft of the Open Space Plan report to the Board for their review.

### WATER RESOURCE MANAGEMENT PLAN – NRI Section of the Master Plan

The Board has received not the draft of the Water Resource Management Plan.

### ZONING ORDINANCES

Mr. Groth agreed to try to find some models of zoning ordinances relative to “adult entertainment” and to “nuisance” for the Board’s review, as per discussion and request at the last meeting.

### REGULATIONS

1. Small Wind Energy: Mr. Groth showed an updated small wind ordinance he developed for North Hampton based off of OEP's model, that could be used as a guideline for dealing with small wind energy systems. There was a conversation relative to RSA 674:62-66 and whether there should be an ordinance to regulate wind energy systems or if there could be guidelines incorporated in the Site Plan Review Regulations that would do the same. The Members agreed to read the ordinance and revisit the topic at the next meeting.
2. Buried Stumps: Mr. Groth stated that he will look into how other Towns deal with designation of where and how far above the water table stumps are to be buried and whether to require test holes to be dug to determine seasonal high water table. These requirements could be included in the Subdivision and Site Plan Review regulations.
3. Transfer of Density (TDR): Mr. Groth said he looked a local example Transfer of Density (TDR) for the Board to review and could find no successful example of TDR that is available. He feels the intent can be accomplished through the Open Space Preservation Ordinance that is already in place.

### SITE PLAN REVIEW SUBCOMMITTEE

The newly formed Site Plan Review Sub-Committee will meet from 10:30 to 11:30 am on Monday March 8, 2010. Mr. Groth said he will participate in the Site Plan Review Sub-Committee as part of the Circuit Rider contract.

### INCOMING CORRESPONDENCES

Received: From NH DES Shoreland Program: Copy of a February 23, 2010 approval of a Shoreland Permit for Jeremy Russman for 66 Riverside Drive (Map 7 Lot 065).

### ACTION ITEMS

From the March 3, 2010 meeting:

- Mr. Groth will talk with Glen Greenwood about a timeline and who at RPC should meet with the Board relative to the CIP and report back to the Board with the answer.
- Mr. Groth will find some models of zoning ordinances relative to “adult entertainment” and to “nuisance” for the Board’s review.
- Mr. Groth will look into how other Towns deal with designation of where and how far above the water table stumps are to be buried and whether to require test holes to be dug to determine seasonal high water table.

Mr. Karcz made the motion to adjourn at 9:25 pm.  
Motion seconded by Mr. J. Downing with unanimous favorable vote.

Respectfully submitted,

Meredith Bolduc, Land Use AA/Recording Secretary

#### PROJECTS PENDING WITH RPC

- CTAP DOT Build-out- funded with CTAP Phase I Funds = **\$10,000**; original completion date of October 28, 2009; moved to end of 2009 – near completion to date.
- Housing Chapter of the Master Plan - funded with CTAP Phase I Discretionary Funds = **\$5,000**; original completion date of December 2008, moved to September 23, 2009; then November 18, 2009; then December 31, 2009. Still pending.
- Inclusionary Housing Zoning Ordinance – funded with CTAP Phase I Discretionary Funds = **\$5,000**; original completion date of May 19, 2009; moved to November 4, 2009. Complete.
- Open Space Plan - funded with CTAP Funds = **\$10,000**; original completion date of May 19, 2009; moved to a tentative completion date of September 16, 2009; final presentation February 24, 2010.
- CTAP Road Map = January 13, 2010- Complete.
- Water Resource portion of the NRI Chapter of the Master Plan – funded with the Targeted Block Grant (TGB) and the Towns share (**\$2,000**) has been paid; original completion date of June 30, 2009; final draft August 5, 2009 – moved to August 31, 2009; then to November 4, 2009, then to end of 2009. Still pending.
- Dark Skies Ordinance - Funded with CTAP Phase II funds = **\$1,750**; completion date of May 31, 2010.
- Future Land Use MP Chapter Update- Funded with CTAP Phase II funds = **\$2,000**; completion date of May 31, 2010.
- Master Plan Audit - Funded with CTAP Phase II funds = **\$3,500**; completion date of May 31, 2010.
- Public Utilities Chapter of the MP update – Funded with the 2010 Targeted Block Grant; (TGB) completion date of June 30, 2010. Paid Towns share of **\$1,000** in December 2009.
- GIS Maps for Public Utilities Chapter of the MP - Funded with the 2010 Targeted Block Grant (TGB); completion date of June 30, 2010. Paid Towns share of **\$1,000** in December 2009.
- CIP Annual Process - Funded with the 2010 Targeted Block Grant (TGB); completion date of June 30, 2010. Paid Towns share of **\$1,000** in December 2009.
- Provide one (1) final paper copy and one (1) electronic version of the updated MP. Provide one (1) final copy of all elements of the CIP annual update process- Funded with the 2010 Targeted Block Grant (TGB); completion date of June 30, 2010. Paid Towns share of **\$1,000** in December 2009.

Updated project timeline table below.

## 2009 – 2010 Rockingham Planning Projects – CTAP and Non-CTAP

### CTAP Phase I

| Projects<br>CTAP<br>Phase I       | Status   | 2008<br>Dec                     | 2009<br>19 May                 | 2009<br>28 Oct                     | 2009<br>04 Nov | 2010<br>13 Jan | 2010<br>17 Feb            | 2010<br>24 Feb            | 2010 |
|-----------------------------------|----------|---------------------------------|--------------------------------|------------------------------------|----------------|----------------|---------------------------|---------------------------|------|
| <b>Build Out</b>                  | Pending  |                                 |                                | Original<br>Comple<br>tion<br>date |                |                | Final<br>Presenta<br>tion |                           |      |
| <b>Housing MP</b>                 | Pending  | Projected<br>Completion<br>date |                                |                                    |                |                |                           |                           |      |
| <b>Inclusionary<br/>Ordinance</b> | Complete |                                 |                                |                                    | Complete       |                |                           |                           |      |
| <b>Open Space<br/>Plan</b>        | Pending  |                                 | Original<br>completion<br>date |                                    |                |                |                           | Final<br>Present<br>ation |      |
| <b>CTAP Road<br/>Map</b>          | Complete |                                 |                                |                                    | Complete       |                |                           |                           |      |

### CTAP Phase II

| Projects<br>CTAP<br>Phase II              | Status  | 2010<br>May 31                  |
|---|---------|---------------------------------|
| <b>Dark Skies<br/>Ordinance</b>           | Pending | Projected<br>Completion<br>date |
| <b>Future Land<br/>Use MP<br/>Chapter</b> | Pending | Projected<br>Completion<br>date |
| <b>Master Plan<br/>Audit</b>              | Pending | Projected<br>Completion<br>date |

### NON-CTAP

| Projects<br>Non-CTAP  | Status  | 2009<br>30 June                | 2010<br>30 June    |
|---|---------|--------------------------------|--------------------|
| <b>WRMPP<br/>(2009 TBG)</b>   | Pending | Original<br>Completion<br>date |                    |
| <b>Public<br/>Utilities -<br/>MP<br/>(2010 TBG)</b>   | Pending |                                | Completion<br>Date |
| <b>GIS Maps<br/>for Public<br/>Utilities –<br/>MP<br/>(2010 TBG)</b>                                    | Pending |                                | Completion<br>Date |
| <b>CIP Process<br/>Submittal<br/>Materials<br/>1 final copy<br/>of updated<br/>MP, CIP<br/>elements</b> | Pending |                                | Completion<br>Date |